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BEFORE THE
ILLINOIS COMMERCE COMMISSION

PAULA JOHNSON)
)
 -vs-) DOCKET NO.
) 09-0193
 ILLINOIS POWER COMPANY)
 d/b/a AmerenIP)
)
 Complaint as to billing/charges in)
 East St. Louis, Illinois.)

Thursday, October 22, 2009

Springfield, Illinois

Met, pursuant to notice, at 10:00 a.m.

BEFORE:

LISA TAPIA, ALJ

APPEARANCES:

CHARLES DAVIS
BROWN, HAY & STEPHENS
205 South Fifth Street
Suite 700
Springfield, Illinois 62701

(Appearing on behalf of Illinois
Power Company via
teleconference.)

SULLIVAN REPORTING CO., by
Laurel Patkes, Reporter
CSR #084-001340

1 APPEARANCES: (Cont'd.)

2 PAULA JOHNSON
3 715 North 24th Street
4 East St. Louis, Illinois 62205

5 (Appearing pro se as Complainant
6 via teleconference.)
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I N D E X

WITNESSES

DIRECT

CROSS

None

EXHIBITS

None .

1 Do you have an e-mail address,
2 Ms. Johnson, or no?

3 MS. JOHNSON: Yes; zytychi@aol.com.

4 MR. DAVIS: And then Charles Davis. I'm here
5 today for AmerenIP. I'm with the law firm of Brown,
6 Hay & Stephens. Our address is 205 South Fifth
7 Street, Suite 700, Springfield, Illinois 62701.
8 Phone number is (217) 544-8491, and my e-mail address
9 is cdavis@bhslaw.com.

10 JUDGE TAPIA: Thank you, Mr. Davis.

11 I will note for the record that this
12 is a status hearing to determine if the parties were
13 ready for an evidentiary hearing. However, I did
14 receive a motion for leave to file an amended answer.

15 Ms. Johnson, I'm under the impression
16 you haven't received this yet, or have you?

17 MS. JOHNSON: No, I have not. An amended
18 answer, no.

19 JUDGE TAPIA: Okay. The respondent has filed a
20 motion for leave to file a first amended answer and a
21 first amended direct testimony. You should be
22 getting it soon; right, Mr. Davis?

1 MR. DAVIS: Yes. Today being Thursday, on
2 Tuesday, I put it in overnight mail, so it should
3 have been there yesterday.

4 If not, I wouldn't be surprised if it
5 wasn't there today.

6 JUDGE TAPIA: Okay. What I'll do is,
7 Ms. Johnson, I will allow some time for you to
8 receive the motion.

9 I will then give you, let me give you
10 a date so that you can respond to this motion. That
11 will be two weeks from today.

12 MS. JOHNSON: Yes, ma'am.

13 JUDGE TAPIA: Okay. And that would be
14 November 6th. That's a Friday. That will be your
15 deadline, Ms. Johnson, to file your response to the
16 motion.

17 MS. JOHNSON: Yes, ma'am.

18 May I ask, was that sent regular mail
19 or FedEx?

20 MR. DAVIS: We sent it FedEx mail on Tuesday
21 overnight.

22 MS. JOHNSON: Well, the problem is if no one is

1 here, they won't leave the package. So I'm going to
2 definitely have someone here all day today. I'm
3 sorry.

4 MR. DAVIS: That's no problem, and I'd be happy
5 to follow up with copies by regular mail to ensure
6 that it gets to your house.

7 MS. JOHNSON: Or you could e-mail it to me.

8 MR. DAVIS: I can do that as well.

9 MS. JOHNSON: Thank you.

10 JUDGE TAPIA: Okay. So November 6th will be
11 your deadline.

12 Ms. Johnson, if you can, when you get
13 the motion and you prepare your response -- well, let
14 me ask you, is November 6th sufficient time for you
15 to respond, two weeks from today?

16 MS. JOHNSON: Yes, it is.

17 JUDGE TAPIA: Okay. So to make sure that it's
18 filed either prior or on the date, make sure you send
19 it out like the 3rd.

20 MS. JOHNSON: Yes, ma'am.

21 JUDGE TAPIA: Okay. Because we've been having
22 problems with the deadlines in this case.

1 Why don't I go ahead and set a status
2 hearing and I'll -- well, this is what the plan will
3 be.

4 November 6th will be the deadline for
5 Ms. Johnson to respond to the motion. I will then
6 rule on the motion. I will set a status hearing for
7 November 19th -- that's a Thursday -- at 10 a.m.

8 MS. JOHNSON: Okay.

9 JUDGE TAPIA: When I rule on the motion, I will
10 rule on the motion soon after the 6th. I will rule
11 on the motion, and then we'll come back on the status
12 hearing, and I'll check with the parties to see if
13 they're ready to go to the evidentiary hearing.

14 Okay. Any questions?

15 MS. JOHNSON: No.

16 JUDGE TAPIA: Mr. Davis?

17 MR. DAVIS: Just for my clarification, on the
18 6th would be her deadline to respond to the motion
19 for leave to file the amended answer and direct
20 testimony?

21 JUDGE TAPIA: Right.

22 MR. DAVIS: And then in theory, after that, new

1 deadlines would probably be set for her to respond to
2 the new material?

3 JUDGE TAPIA: Exactly, exactly. Thank you,
4 Mr. Davis, for pointing that out.

5 Ms. Johnson, once you file your
6 response and I rule, if I rule in favor of the
7 respondent that it's his first amended answer and his
8 direct testimony is accepted, then I will have a new
9 date for you to amend your rebuttal.

10 MS. JOHNSON: Okay.

11 JUDGE TAPIA: In other words, you get an
12 opportunity to respond to the testimony of the
13 company.

14 MS. JOHNSON: Yes, ma'am.

15 JUDGE TAPIA: Okay. And I will give you the
16 date when I rule on it of when that should be.

17 MS. JOHNSON: Okay.

18 JUDGE TAPIA: How much time do you think you
19 will need if I grant the motion -- two weeks,
20 Ms. Johnson?

21 MS. JOHNSON: Yes, ma'am, that's fine.

22 JUDGE TAPIA: Okay. Then let's set a status

1 hearing later on so that nothing runs into each
2 other. We'll set a status hearing in December. That
3 way, if it's granted, everyone has sufficient time to
4 prepare.

5 Okay. The week after the 19th is
6 Thanksgiving, so the week after that would be
7 November 3rd. That's a Thursday.

8 Ms. Johnson, is that a convenient date
9 for you?

10 MS. JOHNSON: You mean December 3rd?

11 JUDGE TAPIA: December 3rd would be a status
12 hearing.

13 MS. JOHNSON: Yes, ma'am.

14 JUDGE TAPIA: Okay. That way, if the motion is
15 granted, there's sufficient time for you to respond.

16 If it's not granted, we'll still have
17 a status hearing ton the 3rd.

18 MS. JOHNSON: Yes.

19 JUDGE TAPIA: Mr. Davis, is that a convenient
20 time for you?

21 MS. JOHNSON: That will work for me. Thank
22 you.

1 JUDGE TAPIA: Okay. At 10 a.m. on the 3rd.

2 Okay. Anything else that we need to

3 discuss? Any problems, any motions, anything?

4 Mr. Davis?

5 MR. DAVIS: No, I don't think so.

6 JUDGE TAPIA: Ms. Johnson?

7 MS. JOHNSON: No.

8 MR. DAVIS: I'll follow up with the copies, and

9 I'll actually probably provide an additional courtesy

10 copy where I highlight the additions that we made

11 simply so it's easier for, you know, instead of

12 digging through all the material, you can see exactly

13 what we added in, but I'll send that out today.

14 JUDGE TAPIA: Okay. Thank you, Mr. Davis.

15 Did you hear all that, Ms. Johnson?

16 MS. JOHNSON: Yes, ma'am.

17 JUDGE TAPIA: Okay. Anything else we need to

18 discuss before we close and we continue this case

19 till December 3rd for the status hearing?

20 MR. DAVIS: No, Your Honor.

21 JUDGE TAPIA: Okay.

22 Ms. Johnson?

1 MS. JOHNSON: No.

2 JUDGE TAPIA: Okay. Then I'll continue this
3 case to December 3rd at 10 a.m.

4 (Whereupon the hearing was
5 continued to December 3, 2009 at
6 10:00 a.m.)

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